

**ORDINANCE NO. 2021-02-CM**  
**TECHNICAL CORRECTIONS TO THE TIPPECANOE COUNTY CODE**

**WHEREAS**, the Board of Commissioners of Tippecanoe County wishes to amend the Tippecanoe County Code to make certain technical corrections as set forth herein:

**WHEREAS**, County Code section 30.01(B) requires that, to resign, a member of the County Executive must send written notice to the president of the County Council, citing IC 36-2-2-5(e). That subsection of the Indiana Code was deleted by P.L. 14-2004, SECTION 192. Pursuant to IC 5-8-3.5-1(a)(4), to resign, a member of the county executive must submit the resignation to the Clerk of the Tippecanoe County Circuit Court. (Reference: Section 1 herein).

**WHEREAS**, County Code section 30.16 purports to require the County Council to meet at 2 p.m. on the second Tuesday of the month. The County Council has, in recent years, held its regular meetings at 8:30 a.m. on the second Tuesday of the month and should be able to meet on a schedule it sets for itself without amending an ordinance. County Code 30.16(B) should therefore be amended to reflect that the Council will conduct regular meetings on a schedule it sets for itself. (Reference Section 2 herein).

**WHEREAS**, County Code section 30.25 codifies Resolution 2003-13-CM, creating the position of County Homeland Security Director. Since adoption of that resolution in 2003, the Director of the Tippecanoe County Emergency Management agency has served as the County Homeland Security Director. County Code section 30.25 should be amended to clarify that the Emergency Management Agency Director shall serve as the Homeland Security Director unless the Commissioners specify otherwise. (Reference Section 3 herein).

**WHEREAS**, County Code section 31.025 codifies Ordinance 89-14-CM, specifying the membership of the Property Tax Assessment Board of Appeals. This membership structure was superceded by the amendment to IC 6-1.1-28-1 in P.L. 6-1997, SECTION 91 and subsequent amendments to the Indiana Code. In particular, the Assessor, Auditor, and Treasurer are no longer required members of the Board. (Reference Section 4 herein)

**WHEREAS**, County Code section 31.065 codifies Resolution 2002-37-CM, specifying the staggered terms of the Economic Development Commission members at the time of that Resolution with end dates that did not specify new terms. The section should be amended to reflect that, as required by statute, subsequent appointments with staggered four year terms are to be made upon expiration of the old terms. (Reference Section 5 herein)

**WHEREAS**, County Code sections 31.075 and 31.076 codify Tippecanoe County Commissioners Ordinance 78-5, adopted on March 20, 1978, and establish the "Tippecanoe County Engineering Department" with the Division of Highways, Bridges, and Streets, the Drainage Division, and the Miscellaneous Division. This appears to be responsive to state legislation currently codified at IC 8-17-5-13 authorizing the creation of such a department. It does not appear such an Engineering Department was ever implemented. The Highway Department currently has an Executive Director who serves as Highway Supervisor and Highway Engineer (as permitted by IC 8-17-5-12). Engineering for the Highway Department is performed

by the Highway Engineer, however, engineering for drainage concerns have historically been performed in the office of the County Surveyor or by engineers contracted by the Surveyor. County Code sections 31.075 and 31.076 should therefore be repealed. (Reference: Section 6 herein).

**WHEREAS**, County Code section 34.04 codifies the County procedures for the purchase of services. The section should be amended to incorporate the provisions of IC 5-22-6 and to specify that competition should be used in securing services where practicable. (Reference: Section 7 herein).

**WHEREAS**, County Code section 34.16 specified that categories of supplies to be determined later should be the subject of Requests for Proposals rather than Requests for Bids, and said section was never amended to specify those categories. The section should be repealed, and the Request for Proposal process may be used on a case-by-case basis. (Reference: Section 8 herein).

**WHEREAS**, County Code section 34.28 concerning copy fees for UCC forms maintained by the Recorder has been superseded by the requirements of IC 36-2-7-10, the section should be repealed. (Reference: Section 9 herein.)

**WHEREAS**, County Code 34.47 and 34.51 should be updated to reference the correct statutory authority following the recodification of Title 34 by the Indiana General Assembly. (Reference: Section 10 and 11 herein.)

**WHEREAS**, County Code section 34.74 pertains to dog taxes that are no longer collected, is based on IC 15-5-9-8 which has been repealed, and has been nullified by operation of IC 6-9-39-9 concerning a County Option Dog Tax; and therefore, the section should be repealed. (Reference: Section 12 herein.)

**WHEREAS**, County Code chapter 91 pertains to a County 911 fee which was established under authority of a statute that has been repealed and has been superseded by the Statewide 911 system, that chapter should be repealed. (Reference: Section 13 herein). *See* IC 36-8-16.7.

**WHEREAS**, County Code chapter 131 pertains to the sale of synthetic cannabinoids which, following adoption of the ordinance was superseded by state criminal statutes; and, therefore, that chapter should be repealed. (Reference: Section 14 herein). *See* P.L. 138-2011 and successor legislation.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners of Tippecanoe County, Indiana, that the Tippecanoe County Code should be amended as follows:

**1. Section 30.01 is hereby replaced by a new Section 30.01 reading as follows:**

30.01 BOARD OF COMMISSIONERS AS COUNTY EXECUTIVE.

(A) The three-member Board of Commissioners of the county elected



under I.C. 36-2-2-2 is the County Executive.

(B) Pursuant to IC 36-2-2-5(e), a member of the Executive who wants to resign must send written notice to the Clerk of the Tippecanoe County Circuit Court. The Clerk shall then declare the office vacant.

(C) The County Executive will meet during the first week of January in each year to elect its President and Vice President by a majority of the whole Executive, and to conduct such other business as may come before it.

(D) The President and Vice President shall serve for one year and until the election and qualification of their successors. The President shall preside over all meetings of the Executive and by his/her signature thereto shall authenticate all ordinances passed by the Executive in his/her presence.

**2. Section 30.16 is hereby replaced by a new Section 30.16 reading as follows:**

**30.16 MEETINGS.**

(A) The Fiscal Body shall hold a regular annual meeting, as prescribed by I.C. 6-1.1-17, to adopt the county's annual budget and tax rate.

(B) The Fiscal Body shall hold a regular meeting in January after its election, for the purpose of organization and other business and shall hold additional meetings at a regularly scheduled time each month which time may be adjusted in the discretion of the Fiscal Body to accommodate holidays and other conflicts.

(C) Special meetings may be called by the County Auditor, President of Fiscal Body or by a majority of the members of the Fiscal Body. At least 48 hours before the meeting, the Auditor, President or members calling the meeting shall give written notice of the meeting to each member of the Fiscal Body and publish, at least one day before the meeting, the notice in accordance with I.C. 5-3-1. This does not apply to a meeting called to deal with an emergency under I.C. 5-14-1.5-5.

(D) If a court orders the County Auditor to make an expenditure of county money for a purpose for which an appropriation has not been made, the Auditor shall immediately call an emergency meeting of the Fiscal Body to discuss the matter. The meeting shall be held within three working days of the receipt of the order by the Auditor, and notice of the meeting day, time, and place is sufficient if given by phone to the members of the Fiscal Body and given according to I.C. 5-14-1.5.

**3. Section 30.25 is hereby replaced by a new Section 30.25 reading as follows:**

**30.25 HOMELAND SECURITY DIRECTOR.**

There is hereby established the position of County Homeland Security Director, whose duties shall include:

(A) Developing and managing state and federal grant funding for emergency management, homeland security and bio-terrorism programs.

(B) Building coalitions with local law enforcement, fire departments, government entities and appropriate public or private organizations necessary to develop, implement and respond to security and emergency concerns.

(C) Directing and coordinating responses for disasters, emergencies, and threat assessment of terrorism including bio-terrorism.

(D) Monitoring the consistency of training provided to emergency service providers.

(E) Organizing a Citizens Corps volunteer effort and Citizens Emergency Response Teams (CERT) to train volunteers in emergency skills to serve as auxiliary responders helping to meet emergency needs, thereby enabling emergency personnel to focus on immediate emergency response needs.

(F) Such other and further duties as may from time to time to be prescribed by the Commissioners.

The Director of Emergency Management appointed under Section 32.17 shall serve as County Homeland Security Director unless the Board of Commissioners specify otherwise.

**4. Section 31.025 is hereby replaced by a new Section 31.025 reading as follows:**

**31.025 BOARD ESTABLISHED PURSUANT TO STATE STATUTE;  
ADDITIONAL MEMBERS.**

(A) Pursuant to I.C. 6-1.1-28-1(c), the County elects a five (5) member County Property Tax Assessment Board of Appeals.

(B) The membership shall be as specified by statute with the Board of Commissioners appointing three (3) members and the County Council appointing two (2) members, all subject to the residency, certification, and political affiliation requirements set forth in IC 6-1.1-28.

**5. Section 31.065 is hereby replaced by a new Section 31.065 reading as follows:**

**31.065 ESTABLISHMENT; POWERS; TERMS.**

(A) The Tippecanoe County Economic Development Commission be established pursuant to I.C. 36-7-12.

(B) Upon adoption of this section, the Department of Development and Tippecanoe County Economic Development Commission shall have all the powers authorized by I.C. 36-7-12.

(C) Members shall be appointed to the Tippecanoe County Economic Development Commission as set forth in IC 36-7-12-7 and shall serve staggered, four-year terms pursuant to IC 36-7-12-9(b). One member shall be appointed by the Board of Commissioners, one member shall be nominated by the County Council, and one member shall be nominated by the Lafayette City Council as the fiscal body of the county's most populous fiscal body.

**6. Sections 31.075 and 31.076 (concerning an Engineering Department) are hereby repealed.**

**7. Section 34.04 is hereby repealed and replaced by a new Section 34.04 reading as follows:**

**34.04 SERVICES**

A purchasing agent may purchase services in a manner consistent with the requirements of IC 5-22-6. A purchase of services must be made with such competition as is practicable under the circumstances.

**8. Section 34.16 (concerning use of requests for proposals for designated types of supplies) is hereby repealed.**

**9. Section 34.28 (concerning UCC form charges) is hereby repealed.**

**10. Section 34.47 is hereby replaced with a new Section 34.47 reading as follows:**

**34.47 PROSECUTOR'S FORFEITURE FUND.**

A Prosecutor's Forfeiture Fund (formerly known as the "Drug Enforcement Fund") is hereby established and those monies derived from IC 34-24-1-4(d)(3)(B) shall be placed in the fund pursuant to IC 34-24-1-4(3)(B) for those purposes authorized by state law.

**11. Section 34.51 is hereby replaced with a new Section 34.51 reading as follows:**

**34.51 LAW ENFORCEMENT FUND.**

A Law Enforcement Fund is established and those monies derived from IC 34-24-1-4 shall be placed in the fund pursuant to IC 34-24-1-4.

**12. Section 34.74 (concerning a Dog tax) is hereby repealed.**

**13. Chapter 91 (concerning a county-level emergency 911 telephone system fee) is hereby repealed.**

**14. Chapter 131 (concerning a county-level synthetic cannabinoid prohibition) is hereby repealed.**

This Ordinance shall be in full force and effect upon its passage and signing and publication as required by law.

Presented to the Board of Commissioners of Tippecanoe County, Indiana, and approved



on first reading this \_\_\_\_ day of \_\_\_\_\_, 2021, by the following vote:

BOARD OF COMMISSIONERS OF TIPPECANOE COUNTY

VOTE

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\_\_\_\_\_  
Thomas P. Murtaugh, President

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David S. Byers, Vice President

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Tracy A. Brown, Member

ATTEST:

\_\_\_\_\_  
Robert Plantenga, Auditor of Tippecanoe County

Presented to the Board of Commissioners of Tippecanoe County, Indiana, and approved on second reading this \_\_\_\_ day of \_\_\_\_\_, 2021, by the following vote:

BOARD OF COMMISSIONERS OF TIPPECANOE COUNTY

VOTE

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\_\_\_\_\_  
Thomas P. Murtaugh, President

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David S. Byers, Vice President

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Tracy A. Brown, Member

ATTEST:

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Robert Plantenga, Auditor of Tippecanoe County